

53D CONGRESS, }  
3d Session. }

HOUSE OF REPRESENTATIVES.

{ Ex. Doc.  
No. 310.

APPROPRIATION FOR CLAIMS ARISING OUT OF THE  
BERING SEA CONTROVERSY.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

*A communication from the Secretary of State in regard to an appropriation for the payment by the United States of all claims that may be made by Great Britain arising out of the Bering Sea controversy.*

FEBRUARY 13, 1895.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT, *February 13, 1895.*

SIR: I have the honor to transmit herewith, for the consideration of Congress, a communication from the Secretary of State, under date of to-day, in regard to an appropriation of \$425,000—

For the payment by the United States, in full satisfaction of all claims which may be made by Great Britain for damages growing out of the controversy as to fur seals in Bering Sea, or the seizure of British vessels engaged in taking seal in those waters.

Respectfully, yours,

J. G. CARLISLE, *Secretary.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF STATE,  
*Washington, February 13, 1895.*

SIR: In the annual message of the President, transmitted to Congress at the opening of the current session, appears a statement that an understanding had been reached with Great Britain—

for the payment by the United States of \$425,000, in full satisfaction of all claims which may be made by Great Britain for damages growing out of the controversy as to fur seals in Bering Sea, or the seizure of British vessels engaged in taking seal in those waters.

The message adds:

I am convinced that a settlement upon the terms mentioned would be an equitable and advantageous one, and I recommend that provision be made for the prompt payment of the stated sum.

The correspondence in regard to that understanding, and a report of the undersigned in support of the President's recommendation, were transmitted to the Speaker of the House of Representatives on December 21, 1894, pursuant to a resolution of that body dated December 15. Copy thereof is annexed.

I have now the honor to request that you submit to the Speaker of the House of Representatives, as soon as may conveniently be, an estimate for the appropriation of the sum recommended by the President for the purpose stated, the same to be included in the deficiency appropriation bill.

I have the honor to be, sir, your obedient servant,

W. Q. GRESHAM,

The SECRETARY OF THE TREASURY,

House Ex. Doc. No. 132, Fifty-third Congress, third session.

## LETTER

FROM

# THE SECRETARY OF STATE,

TRANSMITTING,

*Pursuant to House resolution dated December 15, the correspondence touching the Bering Sea controversy.*

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DECEMBER 21, 1894.—Referred to the Committee on Foreign Affairs and ordered to be printed.

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### THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

The undersigned is directed by the President to respond to the resolution adopted by your honorable body on the 15th instant, requesting the Secretary of State "to communicate to the House of Representatives, if not inconsistent with the interests of the public service, all correspondence, reports, and other documents not heretofore made public touching the payment by the United States of \$425,000 to Great Britain for damages growing out of the controversy as to fur seals in Bering Sea or the seizure of British vessels engaged in taking seals in those waters."

The undersigned accordingly has the honor to communicate to the House of Representatives copies of the correspondence exchanged on the subject covered by the resolution, in which will be found a statement of the claims filed by Great Britain for damages sustained by British subjects by reason of the seizure of their sealing vessels in Bering Sea or of being warned to cease operations therein.

The Paris Tribunal of Arbitration held that the United States had no right of protection or property in the fur seals in Bering Sea outside the ordinary 3-mile limit.

Article 8 of the convention of February 29, 1892, whereby the questions which had arisen between the two Governments concerning the jurisdictional rights of the United States in the waters of Bering Sea were submitted to arbitration, recited that the high contracting parties had been unable to agree upon a reference which would include the question of the liability of each for the injuries alleged to have been sustained by the other, or by its citizens, in connection with the claims presented and urged by it, and that, being solicitous that this subordinate question should not interrupt or longer delay the submission and determination of the main questions, they had agreed "that either may submit to the Arbitrators any question of fact involved in said

claims and ask for a finding thereon, the question of the liability of either Government upon the facts found to be the subject of further negotiation."

Under this article the Arbitrators unanimously found that a number of British sealing vessels were seized in Bering Sea or warned therefrom by cruisers of the United States on the days and at the places in the special finding mentioned, leaving for future determination the questions as to the value "of the said vessels or their contents, or either of them, and the question as to whether the vessels mentioned in the schedule to the British case, or any of them, were wholly or in part the actual property of citizens of the United States."

If the plan of settlement recommended by the President in his last annual message is not acceptable to Congress, the remaining controverted questions must be determined either by the organization of a joint commission or by negotiations between the two Governments.

Experience has shown that international commissions are slow and expensive. Should such a course be resorted to the evidence would be found mostly on the Pacific Coast, widely scattered, and counsel would be needed to examine and cross-examine witnesses.

The question of indirect or consequential damages having been withdrawn from the Tribunal of Arbitration, the pending claims are for British vessels actually seized in Bering Sea or warned out of it by cruisers of the United States.

It will appear from the submitted correspondence that the agreement to pay a lump sum of \$425,000 in full settlement of all demands authorized to be made under the treaty and award was proposed by this Government. The amount is considerably below the damages claimed by Great Britain, exclusive of interest for a number of years.

If this arrangement does not receive the approval of Congress and the disputed questions are submitted to an international commission, it is believed that the amounts allowed and the expense of the tribunal, including witnesses and the taking of their testimony, will largely exceed \$425,000.

In view of all the facts and what may be reasonably expected as the result of a commission, the undersigned submits that a prompt and final settlement of the vexatious controversy by an appropriation of the lump sum agreed upon is advisable.

Respectfully submitted.

W. Q. GRESHAM.

DEPARTMENT OF STATE,  
Washington, December 20, 1894.

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*Sir Julian Pauncefote to Mr. Gresham.*

WASHINGTON, June 7, 1894.

SIR: Adverting to the verbal communications which have passed between us respecting the best mode of verifying and adjusting the British claims for compensation for the seizure of British sealing vessels in Bering Sea, I have now the honor to transmit herewith, by direction of Her Majesty's principal secretary of state for foreign affairs, a complete list and summary of those claims, together with memoranda of the additions and amendments made since their original presentation. I am at the same time to make the following suggestion, with a view to adjustment of those claims with the least possible labor, expense, and delay:

The whole of the claims, excepting that of the *Henrietta* and that of

the *Black Diamond* (1886), were laid before the Tribunal of Arbitration at Paris, together with the evidence in support of them. The facts on which they rest were found by the Arbitrators as provided by Article VIII of the Treaty of Arbitration and form part of the award. In view of the decision of the Tribunal on the questions of law submitted to them, it only now remains to assess the damages. I am accordingly authorized by the Earl of Kimberley to propose that, for the purpose of such assessment, each Government should appoint a duly qualified commissioner, who should be a lawyer and if possible possess some knowledge of the conditions of the sealing industry.

That the two commissioners should sit together at Victoria, British Columbia, where all the evidence in verification of the claims can be obtained on the spot. That they should make a joint report on all the claims in which they have agreed as to the amount of damages, and separate reports in the cases in which they have failed to agree, fully stating the grounds of such disagreement.

That the assessment of damages by the two commissioners, where they have been able to agree, shall be final.

That in cases where they have been unable to agree the differences shall be settled by the two Governments within a fixed period, failing which such differences shall be referred for final adjustment to an umpire to be appointed by the two Governments jointly, or, in case of disagreement, to be nominated by a foreign Government.

You informed me some time ago that, in the view of your Government, a convention would be necessary for the adjustment of the claims, and the Earl of Kimberley, to whom I did not fail to communicate that opinion, has instructed me to proceed at once with the negotiation of such a convention, on the basis of the arrangement above proposed, should it be favorably entertained by your Government.

I have, etc.,

JULIAN PAUNCEFOTE.

[Inclosure.]

*Memoranda of additions and amendments made since original presentation of list of British claims for compensation for the seizure of British sailing vessels in Bering Sea.*

ADA.

Claim of the master, Captain Gaudin, for personal loss and damage. .... \$3,000

This claim was, by a mistake on the part of the agent of the owner of the *Ada*, not included when the other claims in connection with this vessel were entered. Captain Gaudin thought that it had been so included, and it was only on seeing the printed list of the British claims that he discovered that such was not the case. He at once requested that the omission might be rectified and his claim added to the list, and Her Majesty's Government, after causing an inquiry to be made into the circumstances of the case, decided that his application should be granted.

Captain Gaudin's claim has accordingly been added to the schedule of the claims entered with respect to the schooner *Ada*.

HENRIETTA.

[Seized by the U. S. war ship *Yorktown* on September 4, 1892.]

|                                                                                                                                    |         |
|------------------------------------------------------------------------------------------------------------------------------------|---------|
| Value of vessel.....                                                                                                               | \$4,000 |
| Value of outfit and equipment.....                                                                                                 | 3,000   |
| Value of 420 seal skins at \$18.....                                                                                               | 7,560   |
| Value of balance of estimated full catch for season in Bering Sea for three boats and three canoes, viz, 561 skins at \$18.....    | 10,098  |
| Legal and personal expenses in defending action against vessel and cargo at Sitka, and in preparing and forwarding this claim..... | 2,000   |

Claim of owner, with interest at 7 per cent, to date of payment....., 26,658



## BERING SEA CONTROVERSY.

In his note, dated 13th of March last, Mr. Gresham stated that from the date on which the *Henrietta* was handed over to her captain, the United States Government ceased to bear any responsibility or to exercise any control with regard to that vessel, and that therefore they were unable to comply with the request of Her Majesty's Government that she should be sent to a British port for trial; but he added that the claim of her owner for compensation would receive due consideration when presented.

The claim in question has, therefore, been added to the general list of British claims.

## BLACK DIAMOND.

[Additional claim submitted by the master, Mr. Henry Paxton, for damages alleged to have been sustained by reason of the above schooner having been ordered out of Bering Sea in 1886 by the United States authorities.]

Estimated catch for August, 1886, 1,000 skins at \$7.50 each (the price of skins at Victoria during the fall of 1886)..... \$7,500

This claim was sent in too late for insertion in the general list of British claims. In view of the length of time that had elapsed since the occurrence of the action complained of, Her Majesty's Government deemed it advisable to cause an inquiry to be made as to the reason for the delay in presenting the claim. The reason given was that at the time of the seizure of the vessel, the coowners, who were three in number, were doubtful as to how far an appeal to the United States Government for redress would be entertained. In the following year one of the owners was lost at sea and another left the country, and it was only after the publication of the award that the surviving owner consulted his solicitor and was informed that he had a good and equitable claim for compensation. The claim was then drawn up and presented at once.

Her Majesty's Government also ascertained from the solicitors in question that the fact of the *Black Diamond* being boarded by the revenue officers of the United States and ordered out of Bering Sea in 1886 is entered in the records of the custom-house of Unalaska, and that due protest was made by the master of the vessel on the arrival of the schooner at Victoria.

Under the circumstances Her Majesty's Government considered that the reasons alleged for the delay were reasonable, and gave instructions that the claim should be presented to the United States Government, together with the other similar claims

## JUANITA.

It will be noticed that the original claim of the owner of the *Juanita*, which was stated at \$14,695, has been amended so as to amount to \$17,697.66.

The ground upon which this claim was amended was that the owner made his original statement on the basis of \$8 per skin, whereas it was ascertained afterwards that the skins had been sold at San Francisco at an average of \$9.67 per skin.

*List and summary of the claims for compensation in respect of the seizures of British vessels in Bering Sea by the authorities of the United States.*

## CAROLENA.

[Seized by U. S. S. *Corwin* August 1, 1886.]

| For—                                                                | Amount of claim as put forward by owner. |
|---------------------------------------------------------------------|------------------------------------------|
| Value of vessel, 32 tons.....                                       | \$4,000.00                               |
| Value of outfit (inconsumable) .....                                | 5,002.89                                 |
| Insurance .....                                                     | 352.50                                   |
| Wages of crew up to date of seizure .....                           | 1,832.22                                 |
| Passage of crew from San Francisco to Victoria .....                | 71.72                                    |
| Passage of mate, Sitka to Victoria, after release from prison.....  | 100.00                                   |
| Personal expenses of owner.....                                     | 250.00                                   |
| Legal expenses.....                                                 | 1,250.00                                 |
| Estimated seal catch for 1886.....                                  | 18,667.00                                |
|                                                                     | 27,526.33                                |
| Deduct value consumed during a full voyage.....                     | 3,213.32                                 |
| Claim by owner, with interest at 7 per cent to date of payment..... | 24,313.01                                |

## BERING SEA CONTROVERSY.

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List and summary of the claims for compensation, etc.—Continued.

## THORNTON.

[Seized by U. S. S. *Corwin* August 1, 1886.]

| For—                                                                                      | Amount of claim as put forward by owner. |
|-------------------------------------------------------------------------------------------|------------------------------------------|
| Value of vessel, 78 tons .....                                                            | \$6,000.00                               |
| Value of outfit (inconsumable) .....                                                      | 2,841.64                                 |
| Insurance .....                                                                           | 591.43                                   |
| Wages paid to date of seizure to crew, etc. ....                                          | 1,370.00                                 |
| Passage money of crew from San Francisco to Victoria ..                                   | 177.16                                   |
| Passage money of crew and expense of captain and mate after release, Sitka to Victoria .. | 200.00                                   |
| Personal expenses of owners .....                                                         | 1,000.00                                 |
| Legal expenses .....                                                                      | 1,250.00                                 |
| Estimated catch of seals for 1886 .....                                                   | 16,667.00                                |
| Deduct value consumed on a full voyage .....                                              | 3,197.23                                 |
|                                                                                           | 3,379.58                                 |
| Claim by owners, with interest at 7 per cent to date of payment .....                     | 26,817.65                                |

## ONWARD.

[Seized by U. S. S. *Corwin* August 2, 1886.]

|                                                                        |            |
|------------------------------------------------------------------------|------------|
| Value of vessel, 94 tons .....                                         | \$4,000.00 |
| Value of outfit (inconsumable) .....                                   | 1,778.69   |
| Insurance .....                                                        | 260.00     |
| Wages paid for voyage .....                                            | 1,820.00   |
| Passage, etc., of master and mate .....                                | 200.00     |
| Personal expenses of owner .....                                       | 250.00     |
| Legal expenses .....                                                   | 1,250.00   |
| Estimated catch .....                                                  | 16,667.00  |
| Deduct value consumed during full voyage .....                         | 26,225.69  |
|                                                                        | 2,955.98   |
| Claimed by owner, with interest at 7 per cent to date of payment ..... | 23,269.71  |

## FAVOURITE.

[Warned out of Bering Sea by U. S. S. *Corwin* August 2, 1886.]

|                                                                      |            |
|----------------------------------------------------------------------|------------|
| Estimated loss of catch of 1,000 seals .....                         | \$7,000.00 |
| Claim by owner, with interest at 7 per cent to date of payment ..... | 7,000.00   |

## W. P. SAYWARD.

[Seized by U. S. S. *Richard Rush* July 9, 1887.]

|                                                                                       |            |
|---------------------------------------------------------------------------------------|------------|
| Passage of crew, etc. ....                                                            | \$255.00   |
| Passage of officers .....                                                             | 250.00     |
| Legal expenses of owners .....                                                        | 850.00     |
| Probable seal catch, 1887, 3,500 seals, at \$5.50 .....                               | 19,250.00  |
| Loss by detention, October 1, 1887, to February 1, 1888 ..                            | 1,200.00   |
| Loss of profit in season 1888 (February 1 to October 1) ..                            | 6,000.00   |
| Personal expenses of owners .....                                                     | 250.00     |
| Claim by owner, with interest at 7 per cent to date of payment ..                     | 28,055.00  |
| Cost of suit before Supreme Court United States, in resale of <i>W. P. Sayward</i> .. | 62,847.12  |
| Total .....                                                                           | 118,957.12 |

## GRACE.

[Seized by U. S. S. *Richard Rush* July 17, 1887.]

|                                                                      |             |
|----------------------------------------------------------------------|-------------|
| Value of vessel, 182 tons .....                                      | \$12,000.00 |
| Nonconsumable outfit .....                                           | 1,742.57    |
| Passage of master and crew .....                                     | 200.00      |
| Personal expenses of owners .....                                    | 250.00      |
| Legal expenses .....                                                 | 850.00      |
| Probable catch, 1887, 4,200 seals, at \$5.50 .....                   | 23,100.00   |
| Claim of owner, with interest at 7 per cent to date of payment ..... | 38,142.57   |

## BERING SEA CONTROVERSY.

List and summary of the claims for compensation, etc.—Continued.

## ANNA BECK.

[Seized by U. S. S. *Richard Rush* June 28, 1887.]

| For—                                                                | Amount of claim as put forward by owner. |
|---------------------------------------------------------------------|------------------------------------------|
| Value of vessel.....                                                | \$8,000.00                               |
| Nonconsumable outfit.....                                           | 977.50                                   |
| Passage of master and crew.....                                     | 400.54                                   |
| Personal expenses of owner.....                                     | 250.00                                   |
| Legal expenses.....                                                 | 850.00                                   |
| Probable seal catch, 1887, 3,150, at \$5.50.....                    | 17,325.00                                |
| Claim of owner, with interest at 7 per cent to date of payment..... | 27,865.04                                |

## DOLPHIN.

[Seized by U. S. S. *Richard Rush* July 12, 1887.]

|                                                                     |             |
|---------------------------------------------------------------------|-------------|
| Value of vessel, 174 tons.....                                      | \$12,000.00 |
| Value of nonconsumable outfit.....                                  | 2,051.50    |
| Passages of master and crew.....                                    | 300.00      |
| Personal expenses of owner.....                                     | 250.00      |
| Legal expenses.....                                                 | 850.00      |
| Probable catch, 1887, 4,500, at \$5.50.....                         | 24,750.00   |
| Claim of owner, with interest at 7 per cent to date of payment..... | 40,201.50   |

## ALFRED ADAMS.

[Seized by U. S. S. *Richard Rush* July 10, 1887.]

|                                                                     |           |
|---------------------------------------------------------------------|-----------|
| Value of outfit seized.....                                         | \$683.00  |
| Personal expenses.....                                              | 200.00    |
| Legal expenses.....                                                 | 300.00    |
| Probable catch, 3,500, at \$5.50.....                               | 19,250.00 |
| Claim of owner, with interest at 7 per cent to date of payment..... | 20,433.00 |

## ADA.

[Seized by U. S. S. *Bear* August 25, 1887.]

|                                                                     |            |
|---------------------------------------------------------------------|------------|
| Value of vessel, 68 tons.....                                       | \$7,000.00 |
| Value of nonconsumable outfit.....                                  | 2,500.00   |
| Passage, etc., of master.....                                       | 100.00     |
| Personal expenses.....                                              | 250.00     |
| Legal expenses.....                                                 | 850.00     |
| Probable catch, 1887, 2,876, at \$5.50.....                         | 15,818.00  |
| Claim of owner, with interest at 7 per cent to date of payment..... | 26,518.00  |

## TRIUMPH.

[Ordered not to enter Bering Sea by U. S. S. *Richard Rush* August 4, 1887.]

|                                                                                   |            |
|-----------------------------------------------------------------------------------|------------|
| Illegal boarding and searching of <i>Triumph</i> , as set forth in affidavit..... | \$2,000.00 |
| 1,000 seal skins.....                                                             | 8,000.00   |
| Legal and other expenses.....                                                     | 250.00     |
| Claim of owner, with interest at 7 per cent to date of payment.....               | 10,250.00  |

## JUANITA.

[Seized by U. S. S. *Richard Rush* July 31, 1889.]

|                                                                                  |            |
|----------------------------------------------------------------------------------|------------|
| 620 seal skins, at \$8.....                                                      | \$4,960.00 |
| Balance of estimated catch for 1889, at \$8.....                                 | 9,424.00   |
| Spears, etc.....                                                                 | 38.00      |
| New ship's papers.....                                                           | 25.00      |
| Legal and other expenses.....                                                    | 250.00     |
| Claim of owner, with interest at 7 per cent to date of payment.....              | 14,695.00  |
| For amended claim, see colonial office to foreign office, November 23, 1893..... | 17,697.66  |



# BERING SEA CONTROVERSY.

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List and summary of the claims for compensation, etc.—Continued.

## PATHFINDER.

[Seized by U. S. S. *Richard Rush* July 20, 1889.]

| For—                                                                             | Amount of claim as put forward by owner. |
|----------------------------------------------------------------------------------|------------------------------------------|
| 854 skins seized, and estimated balance of catch (1,246), at \$12.25 a skin..... | \$25,725.00                              |
| Guns, etc., seized.....                                                          | 785.00                                   |
| New papers.....                                                                  | 25.00                                    |
| Legal expenses.....                                                              | 250.00                                   |
| Claim of owner, with interest at 7 per cent to date of payment.....              | 20,765.00                                |

## TRIUMPH.

[Ordered out of Bering Sea by U. S. S. *Richard Rush* July 11, 1889.]

|                                                                     |             |
|---------------------------------------------------------------------|-------------|
| Balance of estimated catch of 2,500, at \$8 a skin.....             | \$19,424.00 |
| Legal and other expenses.....                                       | 250.00      |
| Claim by owner, with interest at 7 per cent to date of payment..... | 19,674.00   |

## BLACK DIAMOND.

[Seized by U. S. S. *Richard Rush* July 11, 1889.]

|                                                                     |           |
|---------------------------------------------------------------------|-----------|
| 76 skins seized, at \$8.....                                        | \$608.00  |
| 2,024 skins, balance of estimated catch, at \$8.....                | 16,192.00 |
| Rifle, spears, etc., seized.....                                    | 110.00    |
| New ship's papers.....                                              | 25.00     |
| Legal and other expenses.....                                       | 250.00    |
| Claim of owner, with interest at 7 per cent to date of payment..... | 17,185.00 |

## LILY.

[Seized by U. S. S. *Richard Rush* August 6, 1889.]

|                                                                     |            |
|---------------------------------------------------------------------|------------|
| 333 skins seized, at \$8.....                                       | \$2,664.00 |
| Balance of catch, 1,707, at \$8.....                                | 14,136.00  |
| Spears and salt seized.....                                         | 101.00     |
| New ship's papers.....                                              | 25.00      |
| Legal and other expenses.....                                       | 250.00     |
| Claim of owner, with interest at 7 per cent to date of payment..... | 17,176.00  |

## ARIEL.

[Ordered out of Bering Sea by U. S. S. *Richard Rush* July 30, 1889.]

|                                                                     |            |
|---------------------------------------------------------------------|------------|
| Balance of estimated catch of 2,000 (1,156), at \$8.....            | \$9,248.00 |
| Legal and other expenses.....                                       | 250.00     |
| Claim of owner, with interest at 7 per cent to date of payment..... | 9,498.00   |

## KATE.

[Ordered out of Bering Sea by U. S. S. *Richard Rush* August 13, 1889.]

|                                                                     |             |
|---------------------------------------------------------------------|-------------|
| Balance of catch.....                                               | \$10,960.00 |
| Legal and other expenses.....                                       | 250.00      |
| Claim of owner, with interest at 7 per cent to date of payment..... | 11,210.00   |

## BERING SEA CONTROVERSY.

*List and summary of the claims for compensation, etc.—Continued.*

## MINNIE.

[Seized by U. S. S. *Richard Rush* July 5, 1889.]

| For—                                                                 | Amount of claim as put forward by owner. |
|----------------------------------------------------------------------|------------------------------------------|
| 420 skins seized .....                                               | \$3,360.00                               |
| Balance of catch .....                                               | 12,752.00                                |
| Guns and spears seized .....                                         | 98.00                                    |
| Legal and other expenses .....                                       | 250.00                                   |
| Claim of owner, with interest at 7 per cent to date of payment ..... | 16,460.00                                |

## PATHFINDER.

[Seized by U. S. S. *Thomas Corwin* March 27, 1890.]

|                                                                      |            |
|----------------------------------------------------------------------|------------|
| Seizure and detention from March 27, 1890, to March 29, 1890 .....   | \$2,000.00 |
| Claim of owner, with interest at 7 per cent to date of payment ..... | 2,000.00   |

## CLAIMS FOR 1886.

| Claimed by—                               |                                       | Amount claimed. |
|-------------------------------------------|---------------------------------------|-----------------|
| David Moore, master of Onward .....       | Illegal arrest and imprisonment ..... | \$4,000         |
| Margotich, mate of Onward .....           | do .....                              | 2,500           |
| Hans Guttormsen, master of Thornton ..... | do .....                              | 4,000           |
| Harry Norman, mate of Thornton .....      | do .....                              | 2,500           |
| Jas. Ogilvie, master of Carolena .....    | do .....                              | 2,500           |
| Jas. Black, mate of Carolena .....        | do .....                              | 2,500           |
| Total for 1886 .....                      |                                       | 18,000          |

## CLAIMS FOR 1887.

|                                                                   |                                                                       |         |
|-------------------------------------------------------------------|-----------------------------------------------------------------------|---------|
| Warren, master of Dolphin .....                                   | Sufferings and losses navigating four vessels from Unalaska to Sitka. | \$2,635 |
| John Riely, mate of Dolphin .....                                 | do .....                                                              | 1,000   |
| George P. Ferey, master of W. P. Sayward .....                    | do .....                                                              | 2,000   |
| A. B. Laing, m't's of W. P. Sayward .....                         | do .....                                                              | 1,000   |
| Louis Olsen, master of Anna Beck .....                            | do .....                                                              | 2,000   |
| Michael Keefe, mate of Anna Beck .....                            | do .....                                                              | 1,000   |
| W. Petit, master of Grace .....                                   | do .....                                                              | 2,000   |
| C. A. Lundberg, mate of Ada .....                                 | do .....                                                              | 2,000   |
| Total for 1887 .....                                              |                                                                       | 13,635  |
| Total for 1886 and 1887 .....                                     |                                                                       | 31,635  |
| To be added to 1886, personal claims Captain Gaudin, of Ada ..... |                                                                       | 3,000   |
| Amended total 1886 and 1887 .....                                 |                                                                       | 34,635  |

# BERING SEA CONTROVERSY.

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List and summary of the claims for compensation, etc.—Continued.

## RECAPITULATION.

| Year. | Vessel.                                                                                 | Amount claimed. | Total.     |
|-------|-----------------------------------------------------------------------------------------|-----------------|------------|
| 1886  | Carolina .....                                                                          | \$24,313.01     |            |
|       | Thornton .....                                                                          | 26,817.65       |            |
|       | Onward .....                                                                            | 23,269.71       |            |
|       | Favourite .....                                                                         | 7,000.00        |            |
|       | Personal claims .....                                                                   | 18,000.00       |            |
| 1887  | W. P. Sayward .....                                                                     | 28,055.00       |            |
|       | Grace .....                                                                             | 38,142.57       |            |
|       | Anna Beck .....                                                                         | 27,893.04       |            |
|       | Dolphin .....                                                                           | 40,201.50       |            |
|       | Ada .....                                                                               | 26,518.00       |            |
|       | Alfred Adams .....                                                                      | 20,433.00       |            |
|       | Triumph .....                                                                           | 10,250.00       |            |
|       | Personal claims .....                                                                   | 13,635.00       |            |
| 1880  | Juanita .....                                                                           | 14,695.00       |            |
|       | Pathfinder .....                                                                        | 26,765.00       |            |
|       | Triumph .....                                                                           | 19,674.00       |            |
|       | Black Diamond .....                                                                     | 17,185.00       |            |
|       | Lily .....                                                                              | 17,176.00       |            |
|       | Ariel .....                                                                             | 9,498.00        |            |
|       | Minnie .....                                                                            | 16,460.00       |            |
|       | Kate .....                                                                              | 11,210.00       |            |
| 1890  | Pathfinder .....                                                                        |                 | 132,663.00 |
|       |                                                                                         |                 | 2,000.00   |
|       | Total claims without interest .....                                                     |                 | 439,161.48 |
|       | Costs of suit before Supreme Court, United States, in re seizure of W. P. Sayward ..... |                 | 62,847.12  |

## TOTAL.

|       |                                      |             |
|-------|--------------------------------------|-------------|
| 1886. | Vessels .....                        | \$81,400.37 |
|       | Personal claims .....                | 18,060.00   |
| 1887. | Vessels .....                        | 191,463.11  |
|       | Personal claims .....                | 13,635.00   |
| 1889. | Vessels .....                        | 132,663.00  |
| 1890. | Vessels .....                        | 2,000.00    |
|       |                                      | 439,161.48  |
|       | W. P. Sayward costs .....            | 62,847.12   |
|       | Total .....                          | 502,008.60  |
|       | Extra for Juanita .....              | 3,002.66    |
|       | Extra for Black Diamond (1880) ..... | 7,500.00    |
|       | Extra for Ada .....                  | 3,000.00    |
|       | Total .....                          | 515,511.26  |
|       | Henrietta .....                      | 26,658.00   |
|       | Amended total .....                  | 542,169.26  |

Mr. Gresham to Sir Julian Pauncefote.

DEPARTMENT OF STATE,  
Washington, August 16, 1894.

DEAR SIR JULIAN :

I have your note of the 15th instant in relation to the proposed convention for the settlement of the Bering Sea claims.

Referring to the doubts raised by Her Majesty's Government as to the restrictive effect of the words "British subjects," in the fourth recital of Article I of my counterdraft, you state that you mentioned to Lord Kimberley I had given you the assurance that the Government of the United States "desired to satisfy all claims, the payment of which was justly due by international law;" and you then say that you have received a reply from His Lordship "to the effect that Her Majesty's

Government take note of that assurance and waive their objection to the words in question."

While I am not of opinion that the language of your note is ambiguous, it is perhaps advisable, in order to avoid any possible misunderstanding hereafter, to say that in referring to international law it was not my intention either to enlarge or restrict the language of the proposed convention, but it was my intention to convey the idea that the commissioners would, in construing its terms, be governed by the principles of international law. Such I understand to be your interpretation of my meaning, as expressed in your note; but out of abundant caution, I desire to avoid any possible ground for the inference that anything may have been said by me with the intention of modifying or controlling the convention by assurances given outside of it.

If convenient to you I shall be pleased to meet you at this Department at 11 o'clock a. m. to-morrow, for the purpose of signing the convention.

I remain, etc., etc.,

W. Q. GRESHAM.

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*Mr. Gresham to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, August 21, 1894.

EXCELLENCY: Referring to our verbal communications of a recent date, I have now the honor formally to acknowledge the receipt of your note of the 7th of June last, in which you propose in behalf of Her Majesty's Government the establishment of a mixed commission for the purpose of "verifying and adjusting the claims for compensation for the seizure of British sealing vessels in Bering Sea."

While no serious difficulty is anticipated in settling and determining the claims by means of a mixed commission, it is a matter of interest to both Governments that they should, if possible, be disposed of in a simpler and less expensive way. Proceedings by a mixed commission, while always more or less formal and cumbersome, are, like all other processes of litigation, necessarily attended with expense, not infrequently considerable in amount, as well as with delay.

In the present case the award and findings of the Tribunal of Arbitration at Paris have, to a great extent, determined the facts and the principles on which the claims should be adjusted, and in the course of the negotiations for a mixed commission, they have been subjected by both Governments to a thorough examination, both upon the principles and the facts which they involve.

Under these circumstances the President, after full consideration of the whole subject, has reached the conclusion that it may be practicable as well as advantageous to effect a direct settlement of the claims by the payment of a lump sum in full satisfaction of all demands for damages against the United States growing out of the controversy between the two Governments as to the fur seals in Bering Sea; and to this end I am instructed by the President to propose the sum of \$425,000.

This proposition, if it should prove to be acceptable to Her Majesty's Government, is to be understood as having been made subject to the action of Congress on the question of appropriating the money. The

President can only undertake to submit the matter to Congress at the beginning of its session in December next, with a recommendation that the money be appropriated and made immediately available for the purpose above expressed, and if at any time before the appropriation is made your Government shall desire, it is understood that the negotiations on which we have for some time been engaged for the establishment of a mixed commission will be renewed.

I have, etc.,

W. Q. GRESHAM.

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*Sir Julian Pauncefote to Mr. Gresham.*

WASHINGTON, August 21, 1894.

SIR: I have the honour to acknowledge the receipt of your note of this date on the subject of our recent negotiations for the adjustment, by means of a mixed commission, of the claims of Great Britain against the United States in respect of the seizure of British sealing vessels by United States cruisers in Bering Sea.

You state that the President, after full consideration, is of opinion that it would be in the interest of both Governments to effect the direct settlement of the claims by the payment of a lump sum, in order to avoid the delay and expense of a mixed commission, and that you have been instructed to propose the sum of \$425,000.

You also state that the proposal is made subject to the necessary appropriation by Congress, to which it would be submitted at the beginning of its session in December next, with a recommendation that the money be made immediately available for the purpose above mentioned.

You add that if at any time before the appropriation is made Her Majesty's Government shall desire it the negotiations for the establishment of a mixed commission shall be resumed.

I have the honour to state in reply that Her Majesty's Government concur in the views of the President as to the expediency of effecting a settlement by the method proposed, and that they are indeed so fully sensible of the great advantages presented to both Governments by that course that they are willing to accept the sum offered, coupled with the assurance of prompt payment, although the amount is much below their estimate of the compensation, which might fairly be awarded by a mixed commission.

It should be understood, therefore, that if the negotiations for a mixed commission should be resumed the acceptance of your proposal shall in no way prejudice the claimants in the further prosecution of their demands.

It only remains for me to express my gratification at this amicable solution of the last subject of discussion in the long Bering Sea controversy.

I have, etc.,

JULIAN PAUNCEFOTE.

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